

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00996-CKK**

WESTERN VALUES PROJECT v. U.S. DEPARTMENT OF
THE INTERIOR

Assigned to: Judge Colleen Kollar-Kotelly

Demand: \$0

Cause: 05:552 Freedom of Information Act

Date Filed: 05/24/2017

Jury Demand: Defendant

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: Federal Question

Plaintiff

WESTERN VALUES PROJECT

represented by **Matthew M. Collette**
MASSEY & GAIL LLP
1000 Maine Avenue S.W.
Suite 450
Washington, DC 20024
(202) 795-3326
Email: mcollette@masseygail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan Standish Massey
MASSEY & GAIL LLP
1000 Main Avenue, SW
Suite 450
Washington, DC 20024
(202) 652-4511
Fax: (301) 915-0991
Email: jmassey@masseygail.com
ATTORNEY TO BE NOTICED

Scott Allan Hodes
SCOTT A. HODES, ATTORNEY AT
LAW
P.O. Box 42002
Washington, DC 20015
(301) 404-0502
Fax: (413) 641-2833
Email: infoprivacylaw@yahoo.com
TERMINATED: 04/18/2019

V.

Defendant

**U.S. DEPARTMENT OF THE
INTERIOR**

represented by **Joshua L. Rogers**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2578
Fax: (202) 252-2599
Email: joshua.rogers3@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2557

Fax: (202) 252-2599
 Email: doris.coles@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/24/2017	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF THE INTERIOR (Filing fee \$ 400 receipt number 0090-4964265) filed by WESTERN VALUES PROJECT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> LRCv7.1, # <u>3</u> Summons)(Hodes, Scott) (Entered: 05/24/2017)
05/24/2017		Case Assigned to Judge Colleen Kollar-Kotelly. (sth) (Entered: 05/25/2017)
05/25/2017	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF THE INTERIOR, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons)(sth) (Entered: 05/25/2017)
05/26/2017	<u>3</u>	ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on May 26, 2017. (NS) (Entered: 05/26/2017)
06/13/2017	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/31/2017. Answer due for ALL FEDERAL DEFENDANTS by 6/30/2017. (Hodes, Scott) (Entered: 06/13/2017)
06/13/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/31/17. (Hodes, Scott) (Entered: 06/13/2017)
06/13/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF THE INTERIOR served on 5/30/2017 (Hodes, Scott) (Entered: 06/13/2017)
06/22/2017	<u>7</u>	NOTICE of Appearance by Joshua L. Rogers on behalf of All Defendants (Rogers, Joshua) (Entered: 06/22/2017)
06/29/2017	<u>8</u>	ANSWER to Complaint with Jury Demand by U.S. DEPARTMENT OF THE INTERIOR.(Rogers, Joshua) (Entered: 06/29/2017)
06/30/2017	<u>9</u>	ORDER. The parties shall file a schedule not later than JULY 30, 2017. Signed by Judge Colleen Kollar-Kotelly on 6/30/2017. (lcckk1) (Entered: 06/30/2017)
06/30/2017		Set/Reset Deadlines: Parties joint schedule due by 7/30/2017. (dot) (Entered: 07/03/2017)
07/31/2017	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 07/31/2017)
08/08/2017		MINUTE ORDER: The Court is in receipt of the parties' <u>10</u> Joint Status Report, wherein the parties represent that Defendant has identified between 30,000 and 35,000 potentially responsive documents, and that it intends to make an initial rolling production of 3,000 documents on August 1, 2017, with additional rolling productions to occur on the first of each month. Accordingly, the parties shall file a further Joint Status Report on JANUARY 8, 2018, updating the Court regarding the status of Defendant's production. Signed by Judge Colleen Kollar-Kotelly on 8/8/2017. (lcckk1) (Entered: 08/08/2017)
08/08/2017		Set/Reset Deadlines: Joint Status Report due by 1/8/2018. (dot) (Entered: 08/09/2017)
01/02/2018	<u>11</u>	Consent MOTION for Extension of Time to <i>file Joint Status Report</i> by U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 01/02/2018)
01/03/2018		MINUTE ORDER: The Court is in receipt of Defendant's <u>11</u> Consent Motion for Extension of Time. For good cause shown, the Court shall GRANT the motion. The deadline for submission of the parties' Joint Status Report shall be extended until JANUARY 22, 2018 . Signed by Judge Colleen Kollar-Kotelly on January 3, 2018.

		(lcckk1) (Entered: 01/03/2018)
01/03/2018		Set/Reset Deadlines: Joint Status Report due by 1/22/2018. (dot) (Entered: 01/03/2018)
01/22/2018	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 01/22/2018)
02/06/2018		MINUTE ORDER: The Court is in receipt of the parties' <u>12</u> Joint Status Report, wherein the parties represent that, as of January 8, 2018, Defendant had produced, in full or in part, 21,384 pages of responsive records, out of a total of approximately 23,966 pages of documents reviewed. With respect to an estimated 17,152 remaining pages of documents that are potentially responsive, Defendant commits to continue to make productions of responsive, non-exempt documents on a rolling basis on the first of each month. Defendant represents that it is currently unable to offer a completion date for this production. With the parties' consent, the parties shall file a further Joint Status Report on MARCH 23, 2018 , updating the Court regarding the status of Defendant's production. Signed by Judge Colleen Kollar-Kotelly on February 6, 2018. (lcckk1) (Entered: 02/06/2018)
02/06/2018		Set/Reset Deadlines: Joint Status Report due by 3/23/2018. (dot) (Entered: 02/07/2018)
03/23/2018	<u>13</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 03/23/2018)
04/17/2018		MINUTE ORDER: The Court is in receipt of the parties' <u>12</u> Joint Status Report, wherein the parties represent that Defendant has reviewed and produced additional pages of responsive records since its production of January 22, 2018, and that as of March 23, 2018, Defendant anticipated completing its review of the 12,175 remaining pages within two weeks. Plaintiff seeks time to review the production upon its completion and to confer accordingly with Defendant. The Court shall adopt the parties' proposal that they submit a further Joint Status Report by MAY 7, 2018 , regarding the status of Defendant's production, Plaintiff's assessment of that production, and any need for further litigation, including a proposed briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on April 17, 2018. (lcckk1) (Entered: 04/17/2018)
04/17/2018		Set/Reset Deadlines: Joint Status Report due by 5/7/2018. (dot) (Entered: 04/18/2018)
05/07/2018	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 05/07/2018)
05/18/2018		MINUTE ORDER: The Court is in receipt of the parties' <u>14</u> Joint Status Report, wherein the parties represent that Defendant has at least 8,000 remaining pages to review, having mistakenly stated in its <u>13</u> Joint Status Report that it would complete its review within two weeks. The Court adopts the parties' proposal that Defendant continue its review and that it produce additional records on the first of each month, beginning JUNE 1, 2018 , until production is complete. The Court is of the view that a Joint Status Report should not be filed before Defendant has made two such productions. Accordingly, the parties shall file a further Joint Status Report by JULY 11, 2018 , confirming the status of production, indicating whether the case can be resolved without further litigation, and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on May 18, 2018. (lcckk1) (Entered: 05/18/2018)
05/18/2018		Set/Reset Deadlines: Joint Status Report due by 7/11/2018. (dot) (Entered: 05/18/2018)
07/11/2018	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 07/11/2018)
07/12/2018		MINUTE ORDER: The Court is in receipt of the parties' <u>15</u> Joint Status Report, wherein the parties indicate Defendant's progress in producing responsive, non-exempt material and identify Defendant's expectation that a further twelve months will be required to complete its review at its current rate. The parties shall continue to discuss the possibility of narrowing the scope of responsive documents in order to expedite production. The parties shall file a further Joint Status Report by

		AUGUST 27, 2018 , confirming the status of production, indicating whether the case can be resolved without further litigation, and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on July 12, 2018. (lcckk1) (Entered: 07/12/2018)
07/12/2018		Set/Reset Deadlines: Joint Status Report due by 8/27/2018, confirming the status of production, indicating whether the case can be resolved without further litigation, and proposing a briefing schedule, if necessary. (dot) (Entered: 07/13/2018)
08/30/2018		MINUTE ORDER: The Court has not received the parties' Joint Status Report due by August 27, 2018. <i>See</i> Min. Order of July 12, 2018. The parties shall submit this Joint Status Report by August 31, 2018. Signed by Judge Colleen Kollar-Kotelly on August 30, 2018. (lcckk1) (Entered: 08/30/2018)
08/30/2018	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 08/30/2018)
09/04/2018		MINUTE ORDER: The Court is in receipt of the parties' <u>16</u> Joint Status Report, wherein the parties indicate Defendant's progress in producing responsive, non-exempt material and identify Defendant's expectation that a further eleven months will be required to complete its review at its current rate. The parties shall file a further Joint Status Report by OCTOBER 15, 2018 , identifying the status of production and indicating whether the case can be resolved without further litigation. The parties shall continue to submit further Joint Status Reports every thirty days thereafter, unless and until the Court orders otherwise. Signed by Judge Colleen Kollar-Kotelly on September 4, 2018. (lcckk1) (Entered: 09/04/2018)
09/04/2018		Set/Reset Deadlines: Joint Status Report due by 10/15/2018, identifying the status of production and indicating whether the case can be resolved without further litigation. (dot) (Entered: 09/06/2018)
10/15/2018	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 10/15/2018)
11/29/2018	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 11/29/2018)
12/04/2018		MINUTE ORDER: The Court is in receipt of the parties' <u>17</u> <u>18</u> Joint Status Reports, wherein the parties indicate Defendant's progress in producing responsive, non-exempt material and identify Defendant's expectation that a further seven months will be required to complete its review at its current rate. The parties shall file a further Joint Status Report by JANUARY 23, 2019 , identifying the status of production and indicating whether the case can be resolved without further litigation. The parties shall continue to submit further Joint Status Reports every forty-five days thereafter, unless and until the Court orders otherwise. Signed by Judge Colleen Kollar-Kotelly on December 4, 2018. (lcckk1) (Entered: 12/04/2018)
12/04/2018		Set/Reset Deadlines: Joint Status Report due by 1/23/2019, identifying the status of production and indicating whether the case can be resolved without further litigation. (dot) (Entered: 12/06/2018)
01/18/2019	<u>19</u>	MOTION to Stay by U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/18/2019)
01/23/2019		MINUTE ORDER: The Court has received Defendant's <u>19</u> Motion for Stay of All Proceedings in Light of Lapse of Appropriations. Plaintiff has indicated that it does not oppose the relief sought in this motion. In an exercise of the Court's discretion, the Court shall GRANT Defendant's <u>19</u> Motion. Except as provided below, the Court shall STAY this case, including the deadline for the next Joint Status Report. The parties shall file a notice within five business days of the restoration of the U.S. Department of Justice's funding and the resumption of its operations. Defendant has not indicated whether the agency personnel responsible for processing Plaintiff's FOIA request have been deemed essential. To the extent that those agency personnel have been deemed essential, they should continue to process Plaintiff's FOIA request during the pendency of the lapse in appropriations so that, upon restoration of funding, the Joint Status Report may be submitted more promptly. Signed by Judge Colleen Kollar-Kotelly on January 23, 2019. (lcckk1) (Entered: 01/23/2019)

02/01/2019	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 02/01/2019)
02/05/2019		MINUTE ORDER: The Court has received the parties' <u>20</u> Joint Status Report, which indicates that government funding has been restored. Accordingly, the Court shall LIFT the stay in this case. The parties also indicate Defendant's progress in producing any responsive, non-exempt material and identify Defendant's revised expectation that it will complete its review and production by August 2019 at its current rate. The parties shall file a further Joint Status Report by MARCH 15, 2019 , identifying the status of production and indicating whether the case can be resolved without further litigation. The parties shall continue to submit further Joint Status Reports every forty-five days thereafter, unless and until the Court orders otherwise. Signed by Judge Colleen Kollar-Kotelly on February 5, 2019. (lcckk1) (Entered: 02/05/2019)
03/15/2019	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 03/15/2019)
04/17/2019	<u>22</u>	NOTICE of Appearance by Jonathan Standish Massey on behalf of All Plaintiffs (Massey, Jonathan) (Entered: 04/17/2019)
04/18/2019	<u>23</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to WESTERN VALUES PROJECT. Attorney Scott Allan Hodes terminated. (Hodes, Scott) (Entered: 04/18/2019)
04/29/2019	<u>24</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 04/29/2019)
06/04/2019	<u>25</u>	NOTICE of Appearance by Matthew M. Collette on behalf of All Plaintiffs (Collette, Matthew) (Entered: 06/04/2019)